IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 2125 OF 2003

Veena Chandak .. Plaintiff
Vs
Rajesh Textiles & Another .. Defendants

Mr. A.C. Dubey i/b. Bharat Vaishnawa & Co for the Plaintiff

Mr. Abhijeet Shinde with Suprabh Jain i/b Yashpal Jain for the Defendants

CORAM : DR. D.Y. CHANDRACHUD, J
DATE : 22nd APRIL, 2009.

P.C.:

Heard the learned counsel and perused the pleadings. The following issues are drawn up:

1. Whether the Plaintiff proves that the Defendants placed orders for the purchase of goods;
2. Whether the Plaintiff proves the transaction of sale of goods under Invoice Nos. 1 and 2 to the Defendants;
3. Whether the Plaintiff proves that the invoices and challans were issued,received, signed and acknowledged by the Defendant;
4. Whether the Plaintiff proves that the goods under the invoices

were sold supplied and delivered to the Defendant;

5. Whether the Defendant No. 2 proves that the suit is bad for misjoinder of parties?
6. Whether Defendant no.2 proves that the suit is barred by the law of limitation?
7. Whether Defendant No.2 proves that this Court has no jurisdiction to entertain and try the suit?
8. What order and decree?

Pre-trial formalities to be completed on or before 08th June, 2009. An affidavit in lieu of examination-in-chief of the Plaintiff's witness together with the compilation of original documents to be filed on or before 22nd June, 2009. To be placed on board for direction on 23rd Jun, 2009__

(DR. D.Y. CHANDRACHUD, J)